HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No.19857 of 2005, WRIT APPEAL Nos.1822 AND 2609 of 2005

Writ Petition No.19857 of 2005

Between:

S.Bosi Reddy …Petitioner.

AND

Commissioner of Transport,

BRKR Buildings, Hyderabad & others. …Respondents.

Writ Appeal Nos.1822 and 2609 of 2005

Commissioner of Transport,

BRKR Buildings, Hyderabad & others. …Appellants.

AND

S.Bosi Reddy …Respondent.

:: JUDGMENT ::

Counsel for the Petitioner/ : Sri Y.Nagaiah, Advocate

Respondent representing Sri B.Siva Reddy

Counsel for Respondents/ : Government Pleader for Transport

Appellants 1 to 3

Counsel for Respondent/ : None.

Appellant No.4

Counsel for Respondent/ : Sri B.Purushothama Reddy.

Appellant No.5

16th FEBRUARY 2006

Per G.S.Singhvi, C.J.

Feeling aggrieved by the action of Regional Transport Officer, Khammam and Motor Vehicle Inspector, Khammam to seize and detain his vehicle bearing No.AP-16U-4307, Sri S. Bosi Reddy filed writ petition under Article 226 of the Constitution of India, which was registered as Writ Petition No.19857 of 2005. He also filed a miscellaneous petition for release of the vehicle. By an order dated 20-9-2005, the learned Single Judge directed the respondents to release the vehicle. The appellants challenged that order in Writ Appeal No.1822 of 2005. They also filed WAMP No.3257 of 2005 for suspending the operation of the order of the learned Single Judge. On 27-9-2005, the Division Bench issued notice of the appeal and suspended the operation of the order passed by the learned Single Judge for release of vehicle. Thereafter, Regional Transport Officer, Khammam passed order dated 22-10-2005 vide which he cancelled the registration of the vehicle of the writ petitioner. The latter filed WPMP No.30403 of 2005. The learned Single Judge vide his order dated 11-11-2005 stayed the operation of order dated 22-10-2005 passed by Regional Transport Officer, Khammam. Thereupon, the appellants filed Writ Appeal No.2609 of 2005.

At the commencement of arguments, learned counsel for the respondent-writ petitioner submitted that the vehicle in question is subject matter of a criminal case pending in the Court of Judicial Magistrate of First Class, Khammam, and, therefore, he may be allowed to withdraw Writ Petition No.19857 of 2005.

Learned Government Pleader says that he does not have any objection.

In view of the above, Writ Petition No.19857 of 2005 is dismissed as withdrawn with liberty to the writ petitioner to separately challenge order dated 22-10-2005 passed by Regional Transport Officer, Khammam and also to apply to the trial court for release of the vehicle.

As a sequel to the dismissal of the writ petition, all miscellaneous applications filed by the petitioner shall stand dismissed as withdrawn.

Writ Appeal Nos.1822 and 2609 of 2005 are disposed of as infructuous.

G.S. SINGHVI, C.J.

16th February, 2006.

G.BHAVANI PRASAD, J.

ARS / svs